

ENTERED

September 27, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Tremeka L. Davis,
Plaintiff,

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v.

Civil Action H-24-2595

Donald J. Trump, et. al.,
Defendant.

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MEMORANDUM AND RECOMMENDATION

Tremeka Davis has sued several defendants including the former President of the United States, and three well-known celebrities who are in the music industry—Christopher B. Bridges, Shawn Carter, and Beyonce Knowles. The court recommends that Davis's case be dismissed for lack of subject matter jurisdiction.

The court has “an independent obligation to determine whether subject-matter jurisdiction exists.” *Soaring Wind Energy, L.L.C. v. Catic USA Inc.*, 946 F.3d 742, 749 (5th Cir. 2020) (quoting *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)). “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). When a plaintiff’s claims are entirely frivolous, the district court lacks power to entertain them. *Atakapa Indian de Creole Nation v. State of Louisiana*, 943 F.3d 1004, 1006 (5th Cir. 2019). “Some claims are ‘so insubstantial, implausible, . . . or otherwise completely devoid of merit as not to involve a federal controversy.’” *Id.* (quoting *Oneida Indian Nation of N.Y. v. Oneida Cty.*, 414 U.S. 661, 666 (1974)). Thus, this court has no power to adjudicate a claim that is “wholly insubstantial and frivolous,” that is, a claim that is “obviously without merit.” *Atakapa*, 943 F.3d at 1006.

Davis’s complaints are mostly unintelligible, consisting largely of disjointed sentences, phrases, and words. In the scheduling conference held on September 19, 2024, Davis identified the alleged acts of Defendants as

“astral projection.”¹ In a recent letter to the court, Davis states in a single sentence that “They are piercing me in the inside.” ECF No. 13. Davis also alleges that the “illuminati member hacked our brains,” which she identifies as “astral demon possession.” Then she requests they “return what they stole” and “hand the Davinci Code Businesses that was made from them.” ECF No. 1 at 1-3. She also requests, among many other things, custody of her stolen kids, the “Holy Grail kids” and for them to “exit our bodies.” *Id.* Davis does not explain how any of the people named could possibly be responsible for her injuries.

Davis’s claims are without merit. She alleges no federal controversy. She alleges nothing more than impossible and delusional complaints. Because Davis’s claims are completely devoid of merit and do not involve a federal controversy, this court lacks subject matter jurisdiction. The court recommends that this case be dismissed without prejudice for lack of subject matter jurisdiction. Given the context of Davis’s filings, the court does not believe that amendment would be anything but futile and leave to amend is denied.

The parties have fourteen days from service of this memorandum and recommendation to file written objections. *See* 28 U.S.C. § 636(b)(1)(c); Fed. R. Civ. P. 72. Failure to timely file objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See Thomas v. Arn*, 474 U.S. 140, 147–49 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276–77 (5th Cir. 1988).

Signed at Houston, Texas, on September 27, 2024.



Peter Bray
United States Magistrate Judge

¹The court is unfamiliar with the concept of “astral projection.” According to the dictionary, “astral” refers to “of or relating to the stars; visionary, unworldly (a most impractical thinker).” *Merriam-Webster*, p. 135, *Third New International Dictionary*, 2002. According to various websites, “astral projection” refers to an out of body experience.